

Appl. No. 09/838,382
Response dated February 24, 2005
Reply to Final Office Action of November 24, 2004

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (canceled)

Claim 2 (canceled)

Claim 3 (withdrawn): A vaccine for use in combating coccidiosis in chickens comprising an effective concentration of oocysts of *E. maxima*-I together with a pharmaceutically and/or veterinarily acceptable carrier, diluent, excipient and/or adjuvant.

Claim 4 (withdrawn): A vaccine for use in combating coccidiosis in chickens comprising an effective concentration of oocysts of an immunovariant strain of *Eimeria maxima* that corresponds in characteristics to the strain *E. maxima*-I together with a pharmaceutically and/or veterinarily acceptable carrier, diluent, excipient and/or adjuvant.

Claim 5 (withdrawn): The vaccine of Claim 3 comprising oocysts of other species or strains of *Eimeria*.

Claim 6 (withdrawn): The vaccine of Claim 4 comprising oocysts of other species or strains of *Eimeria*.

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Claim 7 (withdrawn): The vaccine of Claim 5 or Claim 6 further comprising immunogens related to other pathogens of poultry.

Claim 8 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 5.

Claim 9 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 6.

Claim 10 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 5 together with an effective amount of an anticoccidial medication.

Claim 11 (withdrawn): A method of inhibiting coccidiosis in poultry which comprises administering to the chickens an effective amount of a vaccine as claimed in Claim 6 together with an effective amount of an anticoccidial medication.

Claim 12 (withdrawn): A method of obtaining an immunovariant strain of *Eimeria maxima* from *Eimeria maxima* FL strain comprising:

- a. immunizing birds with oocysts of *E. maxima*-GLP;
- b. challenging said birds with oocysts of *E. maxima*-FL;
- c. recovering oocysts from birds which had been immunized with *E. maxima*-GLP and challenged with *E. maxima*-FL;

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d. challenging *E. maxima*-GLP-immunized birds with said recovered oocysts;

e. recovering oocysts;

f. repeating steps d and e at least one time; and

g. obtaining an immunovariant strain of *E. maxima*.

Claim 13 (withdrawn): An immunovariant strain of *Eimeria maxima* isolated by the method of Claim 10.

Claim 14 (previously presented): A variant strain of *Eimeria maxima*, said variant strain is designated *E. maxima*-I and is deposited under the ATCC accession number PTA-4959.

Claim 15 (previously presented): The variant strain *E. maxima*-I (ATCC number PTA-4959) of Claim 14 which is further identified by the characteristic wherein:

immunization with *E. maxima*-I (ATCC number PTA-4959) protects against challenge with *E. maxima*-I (ATCC number PTA-4959) but does not protect against challenge with the Guelph strain of *E. maxima*, designated *E. maxima*-GLP, an indication that *E. maxima*-I (ATCC number PTA-4959) has no detectable immunological cross reactivity with *E. maxima*-GLP.

Claim 16 (previously presented): A variant strain of *Eimeria maxima* wherein said

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variant strain corresponds in characteristics to the strain *E. maxima*-I (ATCC number PTA-4959) as set forth in Claim 15 wherein:

immunization with said variant strain or *E. maxima*-I (ATCC number PTA-4959) protects against challenge with said variant strain or *E. maxima*-I (ATCC number PTA-4959), but does not protect against challenge with *E. maxima*-GLP, an indication that said variant strain has no detectable immunological cross reactivity with *E. maxima*-GLP.